

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HESS CORPORATION f/k/a  
AMERADA HESS CORP.,

Plaintiff,

v.

PERFORMANCE TEXACO, INC.,

Defendant.

CIVIL ACTION NO. 3:CV-08-1443

(JUDGE CAPUTO)

**MEMORANDUM ORDER**

On August 4, 2008, Plaintiff submitted documents to confess judgment against the Defendant in accordance with Pa. R.C.P. 2952. However, federal courts being courts of limited jurisdiction, require, in cases of diversity citizenship, that jurisdiction appear properly on the face of the complaint. In this instance, it did not. The defect was recognized and an Amended Complaint was filed on August 6, 2008.

The Amended Complaint, while properly alleging jurisdiction, did not contain a Confession of Judgment as required by Pa. R.C.P. 2955(a), nor a form for entry of Judgment, nor a Notice of Entry of Confessed Judgment.

**NOW, THEREFORE**, in view of these deficiencies, **IT IS HEREBY ORDERED** that the Complaint in Confession of Judgment (Money Judgment) (Doc. 1) is dismissed for lack of jurisdiction, and the Amended Complaint in Confession

of Judgment (Money Judgment) (Doc. 7) is dismissed for lack of filing the appropriate forms necessary for confession of judgment under a warrant of attorney.

Date: September 15, 2008

A handwritten signature in cursive script, appearing to read "A. Richard Caputo", written over a horizontal line.

A. Richard Caputo  
United States District Judge